

## **MINUTES**

### **UTAH RESPIRATORY CARE LICENSING BOARD MEETING**

**September 23, 2008**

**Room 475 – 4<sup>th</sup> Floor – 9:00 A.M.  
Heber Wells Building  
Salt Lake City, UT 84111**

**CONVENED:** 9:05 a.m.

**ADJOURNED:** 12:21 p.m.

**Bureau Manager:**

Clyde Ormond

**Board Secretary:**

Jacky Adams

**Board Members Present:**

Jack Fried, Board Chairperson  
Beverly J. Lambdin  
Michelle Nylander  
Jennifer G. Brinton, MD  
Anita Austin

**Board Members Absent:**

**DOPL Staff Present:**

Rhonda Trujillo, Compliance Assistant  
Vince Garcia, Division Investigator  
John Schroen, Division Investigator

**Guests:**

#### **TOPICS FOR DISCUSSION**

#### **DECISIONS AND RECOMMENDATIONS**

##### **MINUTES:**

Ms. Austin seconded by Ms. Lambdin made a motion to approve the June 24, 2008 Board Meeting minutes, with corrections, motion carried unanimously.

Appointment of 2008 Chairperson

Ms. Austin seconded Dr. Brinton made a motion to elect Mr. Fried, as the chairperson for the upcoming year, the motion carried unanimously.

Swear in new Board Member

Mr. Ormond issued the Oath of Office to Ms. Nylander and welcomed her to the Respiratory Care Licensing Board.

Open & Public Meeting PowerPoint

Mr. Ormond conducted the yearly Open & Public Meeting PowerPoint training, no further discussion ensued.

##### **APPOINTMENTS:**

9:30 a.m. Compliance

Ms. Trujillo explained that Mr. Somerville is not currently in compliance with all requirements of his Stipulation and Order. Adding that Mr. Somerville has failed to call

CompusVision on a daily basis, submit a treatment plan from his counselor, and submit "Employer Reports" on a consistent basis.

9:45 a.m. Somerville, M. Corey

Mr. Somerville appeared for his scheduled probationary appointment. He expressed that he did not understand why he was not in compliance with his Stipulation and Order. Mr. Fried reminded Mr. Somerville that the requirements of his Stipulation and Order are not recommendations they are requirements and he is expected to adhere to all requirements on a consistent basis. Mr. Fried added that Mr. Somerville has never been in compliance with all requirements of his Stipulation and Order.

Mr. Fried informed Mr. Somerville that he must be in full compliance with his Stipulation and Order at the time of his next appointment with the Board, or an Order to Show Cause will be issued to revoke his license, the remainder of the Board agreed, and Mr. Somerville acknowledged that he understood.

Mr. Somerville will meet again with the Board on December 9, 2008 at 9:15 a.m.

10:00 a.m. Downard, Robert

Mr. Schroen and Mr. Garcia, appeared to discuss a recent complaint, regarding EMT's, Emergency Medical Technicians, and Paramedics using mechanical ventilators, while transporting, non-emergent, flight patients between medical facilities. The original concern was based on the lack of training that an EMT or Paramedic has in relation to use, and monitoring of a mechanical ventilator. The Board felt that this practice could be a public safety issue, due to the medical staff may place a patient on the mechanical ventilator and "assume" that the machine will monitor itself.

Ms. Austin explained that since the initial concern was given to the Division, she has been made aware that if a transport patient's breathing is unstable a Respiratory Care Practitioner is on the flight, however, if the patient's breathing is stable a highly trained, Flight Nurse, and EMT or Paramedic is on the flight. Ms. Austin indicated that knowing that at minimum a highly trained, Flight Nurse would be monitoring the patient, alleviated some of her concerns.

After a detailed discussion it was determined that the USRC, Utah Society of Respiratory Care, should review the scope of practice for both an EMT and a Paramedic to determine if their use of a mechanical ventilator is part of their scope of practice, if it is this is no longer an issue, however, if not the Division will further investigate the

issue to determine what action could be taken. Mr. Ormond reminded those present that if the EMT or Paramedic is working under the supervision of a Medical Doctor, this may be an acceptable practice.

10:15 a.m. Whittaker, Troy

Mr. Whittaker, President of the Utah Society of Respiratory Care, appeared for his scheduled appointment with the Board. Mr. Whittaker explained that USRC has become aware that 58-57 and R156-57, does not require continued NBRC, National Board of Respiratory Care, certification. He further explained that lack of current certification could be the cause of loss of employment for the licensee, and pose a public safety risk.

Mr. Ormond explained that NBRC certification is a requirement for licensure however it is not a requirement for renewal of licensure. He further explained that the profession would need to make a statutory change to require continued certification with NBRC.

After a detailed discussion it was recommended for USRC, the Sleep Society and the Medical Associations to combine forces and propose a Bill to legislature. Mr. Ormond explained that if several Medical Associations are in favor of the change it may pass the Legislature easier, and it would be less likely that other Medical Associations would attempt to make additional changes that this profession does not want.

10:30 a.m. Bunderman, Johanna

Ms. Bunderman appeared for her scheduled appointment with the Board to review her criminal history, as it relates to her renewal of licensure as a Respiratory Care Practitioner. Mr. Ormond explained that Ms. Bunderman was charged with Larceny, a misdemeanor, on January 23, 2008, in Rock Springs Wyoming. Mr. Ormond further explained that Ms. Bunderman is currently on unsupervised probation for this charge. Ms. Bunderman had on several occasions taken prescription drugs from her home healthcare patients.

Ms. Bunderman explained that she began taking prescription drugs in October 2007, due to her low self esteem. A document was submitted from Ms. Karen Williams, APRN of Intermountain Behavioral Health Network, which explained that Ms. Bunderman is currently being treated for a recent diagnosed Bipolar Disorder. Since the charge Ms. Bunderman has completed a twelve-step program, and has continued to attend counseling.

Ms. Nylander seconded by Ms. Austin made a motion to issue Ms. Bunderman a probationary license for a two-year period, which requires that she only work in a hospital

setting, submit Employer Reports on a monthly basis for the first six months and quarterly thereafter, Therapist Reports on a quarterly basis, and meet with the Board on a quarterly basis, the motion carried unanimously, with Mr. Fried abstaining.

10:45 a.m. Comins, Amy

Ms. Comins failed to appear for her scheduled appointment with the Board, to review her application for licensure as a Respiratory Care Practitioner.

Mr. Ormond explained that Ms. Comins was licensed as a Healthcare Assistant from May 15, 1998 through November 30, 1998. In 2004 it was found that Ms. Comins had forged documentation, to indicate that she was licensed to practice as an LPN, Licensed Practical Nurse, within this State. Ms. Comins was found to be working as an LPN, at a healthcare facility. Ms. Comins was then charged with; Attempted Forgery a third degree felony, Forgery a class B misdemeanor, and Unlawful/Unprofessional Conduct a third degree felony on January 5, 2005, all charges were later either dismissed or reduced to class B misdemeanors.

The Board was very concerned with the nature of Ms. Comins, charges. Ms. Lambdin seconded by Ms. Austin made a motion to table the renewal of Ms. Comins application, until the December 9, 2008, Board Meeting, to enable Ms. Comins time to appear.

Davis, Joshua

Mr. Ormond explained that Mr. Davis's complete application for renewal of licensure as a Respiratory Care Practitioner was received, by the Division on September 22, 2008. He further explained that due to this item having not been previously placed on the agenda a recommendation was needed regarding, what action the Board felt should be taken regarding Mr. Davis's criminal history.

Mr. Ormond reviewed Mr. Davis's application for renewal of licensure, explaining that Mr. Davis was charged with Voyeurism, by Salt Lake City Police Department on September 16, 2007. Mr. Davis later entered a guilty plea, on June 17, 2008, which is currently being held in abeyance until on or about June 17, 2009.

After a detailed discussion the Board recommended issuing Mr. Davis a two-year probationary license, which requires that he submit employer reports, and meet with the Board on a quarterly basis.

## **DISCUSSION ITEMS:**

Respirionics – Traveling Therapists Scope of Practice

Reviewed, with no further action taken.

2009 Board Meeting Dates

Reviewed, with no further action taken.

**NEXT MEETING SCHEDULED FOR:**

December 9, 2008

**ADJOURN:**

12:21 p.m.

*Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.*

December 30, 2008

(ss) Jack Fried

Date Approved

Chairperson, Utah Respiratory Care Licensing Board

December 31, 2008

(ss) Clyde Ormond

Date Approved

Bureau Manager, Division of Occupational & Professional  
Licensing